

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KARL E. MINER,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-04-1094-L
)	
JO ANNE B. BARNHART,)	
Commissioner, Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

Plaintiff brings this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of the Social Security Administration terminating his disability benefits. The Commissioner moved to remand this action for further administrative proceedings. While plaintiff did not object to remanding this action, he objected to the proposed judgment because it did not include language reinstating his benefits pending a decision on remand. Pursuant to 28 U.S.C. § 636(b), this matter was referred to the Honorable Gary M. Purcell for initial decision. On May 10, 2005, Magistrate Judge Purcell issued a Report and Recommendation recommending that the Commissioner's motion to remand be granted, that judgment be entered reversing the Commissioner's decision, and that the matter be remanded to the Commissioner for reinstatement and payment of continuing benefits pending further administrative proceedings.

The court file reflects that no party objected to the Report and Recommendation within the time limits prescribed. Having conducted a *de novo* review of this matter, the court finds that the well-reasoned Report and Recommendation should be adopted in its entirety. The Commissioner's Motion for Remand (Doc. No. 19) is GRANTED. The decision of the Commissioner is therefore REVERSED. This matter is REMANDED to the Commissioner for reinstatement of benefits, including all benefits withheld during the appeal process, and payment of continuing benefits pending further administrative proceedings. Judgment will issue accordingly.

It is so ordered this 2nd day of June, 2005.



TIM LEONARD
United States District Judge